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Remarks

Claims 1-20 are pending in the application with claims 1-20 rejected and no claims withdrawn from consideration. Claim 1 is amended above.

In the Rejection of April 21, 2006, claims 1, 8-11, and 17 were rejected as anticipated by Ornstein '431; claim 12 as obvious over Ornstein '431 as applied to claim 1 and further in view of Moore, Jr. '463; claims 2-7 and 13 as obvious over Ornstein '431 as applied to claim 1 and further in view of Ornstein '885; claim 14 as obvious over Ornstein '431 as applied to claims 2-7 and 13 in further view of Celona; claims 17-20 as obvious over Ornstein '431 as applied to claim 1 and further in view of Acres; with all detailed reasoning by the Examiner as set forth in the Examiner's Action mailed April 4, 2005.

In further remarks, the Examiner argued that the claim limitation of "a net number of winning hands" was met by the teaching in Ornstein '431 of a selected number of what the examiner called the "number of consecutive winning hands and push (tie) hands."

Upon close consideration, and with all due respect to the Examiner's position, Ornstein '431 should actually be read as requiring only *non-losing* hands in a streak bet. The selection at column 5, lines 10-14 (quoted by the Examiner) is not to the contrary. That selection simply says that a streak may or may not be ended by pushes (ties), i.e., pushes either advance the measure of size of the streak, or they have no effect on that measure. The reference in the following sentence to "wins" clearly is limited to how the house determines payouts—it says the house must decide whether or not to pay streaks containing pushes, as the probabilities of any "pure win" streak and a "mixed wins and ties" streak of equal length are not the same, and players will understandably make their wagers according to whatever rule and payout odds the house chooses. Notably, Ornstein never says that a streak of size N, where N is the total number of wins and pushes, is treated the same in his game as a streak in which N is equal to the number of wins minus the number of losses, which is what the claimed "net" amount defines.

It thus can be seen that what the Examiner called "number of consecutive winning hands and push (tie) hands" can reconciled with Ornstein's prohibition on losing hands

by understanding that a "winning" streak may or may not be ended by a push (tie), so long as there has not been a *losing* hand, whether or not the number of pushes increases the count of the length of the streak, *i.e.*, Ornstein '431 rewards a *cumulative* amount, not a "net" amount. After all, the player who is dealt a push is still "winning" in the sense that they have not yet lost. It would therefore be more accurate to understand that Ornstein '431 pays out for a *non-losing* streak meeting the waged *cumulative* amount, rather than a "net amount of winning hands."

Thus, independent claim 1 is amended above to avoid the use of "net" and clarify that the claimed game continues if a hand is lost—the very opposite of Ornstein '431, who (as previously advocated) forbids as much as a single loss. See column 4, lines 52-57: "*In the event that a player loses any game prior to winning four [in the example being discussed] continuous games ... the house wins the streak bet and the conventional bet of the relevant game that the player has lost, as represented in Fig. 3e.*"

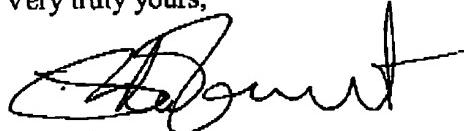
As so amended, independent claim 1 and all of dependent claims 2-20 are novel over Ornstein '431; and, given that the explicit teaching of Ornstein '431 that losing hands end the game, it is clear that the invention proceeds directly contrary to (and therefore is not suggested by) Ornstein '431. Therefore, all claims should be allowed.

Conclusion

Please enter the amendments above and reconsider the application. If you have any questions, please contact me at your convenience.

Please note that this paper, and all others filed contemporaneously with it, are filed pursuant to representative capacity as specified in 37 CFR § 1.34, pending formal substitution of attorneys, which shall occur at the earliest opportunity with every intent to avoid delays in prosecution on the merits.

Very truly yours,



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